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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,629	11/20/2000	Jan Suumaki	944-001.008-1	8246

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/716,629

Applicant(s)

SUUMAKI ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response*

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Dynarski.

Regarding claim 3 Dynarski teaches a mobile telecommunications system including a core network connected to plural interconnected radio network subsystems for communicating with a mobile station over an air interface (see col. 5, lines 23-30 & 36-45). Dynarski teaches a first one of the radio network subsystems includes a source radio network controller for signaling to a core network or to a target radio network controller in a second one of the radio network subsystems that a handover is required (see col. 5, lines 48-51, col. 7, lines 1-8 and col. 14, lines 29-33 & 40-43). Dynarski teaches in response thereto the core network or the target network radio network subsystem signals the source radio network controller that handover is to proceed (see col. 8-12 and col. 14, lines 29-33 & 40-43). Dynarski teaches parameters that are then transmitted from the source radio network controller to the target radio network controller directly or via the core network without any need for renegotiating the parameters over the air interface between the mobile station and the target radio network controller (see col. 6, lines 60-63 and col. 7, lines 13-30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski in view of Corbett.

Regarding claim 1 Dynarski teaches negotiating parameters during handover of a mobile station between radio network subsystems (see col. 6, lines 60-63 and col. 7, lines 1-8 & 14-17). Dynarski teaches signaling from a source radio network subsystem to a core network or to a target radio network subsystem that a handover is required (see col. 7, lines 1-8 and col. 14, lines 29-33 & 40-43). Dynarski teaches signaling from the core network or from the target radio network subsystem to the source radio network subsystem that a handover is to proceed (see col. 8-12 and col. 14, lines 29-33 & 40-43). Dynarski teaches transmitting the parameters from the source radio network subsystem to the target radio network subsystem directly or via the core network without any need for renegotiating the parameters over an air interface between the mobile station and the target radio network subsystem (see col. 6, lines 60-63 and col. 7, lines 13-30). Dynarski does not specifically teach an optimization algorithm. Corbett teaches performing a handoff using an adaptive handoff algorithm (see col. 5, lines 25-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make

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the invention adapt to include an optimization algorithm because this would allow for efficient allocation of resources to support mobile units moving in and out of radio network controller range.

Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski in view of Corbett and Bark.

Regarding claim 2 Dynarski and Corbett teach a device as recited in claim 1 except for during initial establishment of a connection between a mobile station and a source radio network subsystem, the parameters may include various optional sets of parameters, only one of which is accepted by the source radio network subsystem, including storing all of the optional sets of parameters and transmitting all of the optional sets of parameters. Dynarski does teach parameters that may include various optional sets of parameters (see col. 6, lines 60-64). Dynarski does teach storing and transmitting the parameters (see col. 7, lines 21-27). Bark teaches during establishment of a connection between a mobile station and a source radio network subsystem, parameters including various optional sets of parameters (see col. 6, lines 25-30 & 57-59 and col. 7, lines 57-58). Bark teaches a parameter that is accepted by a source radio network subsystem (see col. 6, lines 60-67 and col. 7, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include during initial establishment of a connection between a mobile station and a source radio network subsystem, the parameters may include various optional sets of parameters, only one of which is accepted by the source radio network subsystem, including storing all of the optional sets of parameters and transmitting all of the optional sets of parameters because this would allow for improved measurement for radio network control and optimization operations.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski in view of Bark.

Regarding claim 4 Dynarski teaches a device as recited in claim 1 except for during an initial negotiation of parameters between a mobile station and a source radio network controller, parameters include various optional sets of parameters, only one of which is accepted by a source radio network controller, wherein various optional sets of parameters are stored by a source radio network controller for transmittal to a target radio network controller after source radio network controller signals a target radio network controller that handover is to proceed. Dynarski does teach parameters that may include various optional sets of parameters (see col. 6, lines 60-64). Dynarski does teach storing and transmitting the parameters to a target radio network controller after source radio network controller signals a target radio network controller that handover is to proceed (see col. 7, lines 25-29 and col. 14, lines 29-32). Bark teaches during establishment of a connection between a mobile station and a source radio network subsystem, parameters including various optional sets of parameters (see col. 6, lines 25-30 & 57-59 and col. 7, lines 57-58). Bark teaches a parameter that is accepted by a source radio network subsystem (see col. 6, lines 60-67 and col. 7, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include during an initial negotiation of parameters between a mobile station and a source radio network controller, parameters include various optional sets of parameters, only one of which is accepted by a source radio network controller, wherein various optional sets of parameters are stored by a source radio network controller for transmittal to a target radio network controller after source radio network

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controller signals a target radio network controller that handover is to proceed because this would allow for improved measurement for radio network control and optimization operations.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krishnamurthi et al. U.S. Patent No. 6,134,434 discloses system and method for providing service negotiation in a communications network.

Maupin U.S. Patent No. 6,600,917 discloses a telecommunications network broadcasting of service capabilities.

Manning U.S. Patent No. 6,580,699 discloses a method for updating an R-P connection for a roaming mobile station.

Kransmo U.S. Patent No. 6,594,242 discloses broadcasting of two generation cellular system control channel information over a three generation control channel to support roaming and handover to two generation cellular networks.

Braun U.S. Patent No. 6,501,953 discloses data transmission between a first mobile services switching center of a first mobile radio system and a second mobile services switching center of a second mobile radio system.

Boudreaux U.S. Patent No. 6,466,556 discloses a method of accomplishing handover of packet data flows in a wireless telecommunications system.

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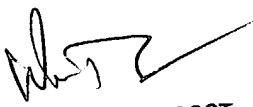
Brouwer U.S. Patent No. 6,799,045 discloses a reliable congestion control in a CDMA-based mobile radio communications system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 17, 2004

  
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